

AMENDED IN SENATE SEPTEMBER 8, 2003

AMENDED IN SENATE AUGUST 29, 2003

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 10, 2003

AMENDED IN SENATE JUNE 25, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 253

Introduced by Assembly Member Steinberg

February 4, 2003

An act to add Section 1276.41 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 253, as amended, Steinberg. Health facilities: nurse-to-patient ratios.

Existing law relating to the regulation of health facilities requires the State Department of Health Services, by January 1, 2002, to adopt specified regulations with respect to licensed nurse-to-patient ratios for specified health facilities, including acute care hospitals.

This bill would require the department to ensure compliance with these licensed nurse-to-patient ratios by taking specified measures

when an acute care hospital is not in compliance. This bill would also authorize the department to assess a \$5,000 fine against a hospital where immediate jeopardy exists, as defined, and a \$10,000 fine against a hospital with a pattern of violation, as defined, of existing provisions relating to nurse-to-patient ratios.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) State law providing for licensed nurse-to-patient ratio
4 requirements was enacted to ensure that all acute care hospitals in
5 the state provide the highest level of safe, therapeutic, and
6 effective patient care.

7 (b) The State Department of Health Services has undergone a
8 three-year process of examining current nursing practice standards
9 and hospital staffing patterns and of conducting extensive research
10 regarding the relationship between safe nursing staff levels and
11 positive outcomes for patients. This process established the
12 specific, numerical ratios for safe, licensed nurse-to-patient ratios
13 in all units in general acute care facilities throughout the state.

14 (c) It is among the highest health care service priorities that
15 acute care hospitals comply with these staff ratios to benefit and
16 protect patients.

17 (d) To ensure compliance with these ratios, additional and
18 flexible enforcement mechanisms should be provided to the
19 department when hospitals fail to comply with the law.

20 (e) The study is necessary to establish ratios that include both
21 the best case nursing practices and measurements for patient
22 outcomes that reflect the experience of nurses and patients in acute
23 care facilities.

24 SEC. 2. Section 1276.41 is added to the Health and Safety
25 Code, to read:

26 1276.41. (a) The department shall ensure compliance with
27 Section 1276.4 by unannounced and announced inspections as
28 provided by Section 1279 and existing procedures for the filing of
29 complaints if there is a substantiated violation of Section 1276.4
30 as provided in this article.



1 (b) If the department determines that immediate jeopardy
2 exists at a hospital, the department shall assess a fine of five
3 thousand dollars (\$5,000).

4 (c) If the department determines that the hospital has
5 demonstrated a pattern of violation of Section 1276.4, the
6 department shall assess a fine of ten thousand dollars (\$10,000).
7 For purposes of this section, “pattern of violation” means that a
8 hospital has violated Section 1276.4 ~~three~~-four or more times in
9 a continuous ~~12-month~~ 6-month period.

10 (d) A licensee may appeal a fine assessed pursuant to this
11 subdivision. If a fine is appealed pursuant to this subdivision,
12 proceedings shall be conducted in accordance with Section
13 100171.

14 (e) The notice of deficiency along with the approved plan of
15 correction shall be posted in the nurses’ station or designated
16 nurses’ area of the unit where the deficiency occurred until the
17 department determines that the hospital has complied with the
18 approved plan of correction.

19 (f) For purposes of this section, “immediate jeopardy” means
20 a situation in which the hospital’s noncompliance with one or more
21 requirements of licensure has caused or is likely to cause serious
22 injury, harm, impairment, or death to a patient.

